IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5903 OF 2003

Mohanlalji Shivnarayan Malani
and others. .... Petitioners.

Versus

Devikishan Chandmal Karwa.... ..... Respondent.

Mr. P. K. Dhakephalkar for the Petitioners.

Mr. M. V. Sali for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 18TH MARCH, 2005.

P.C.:

After hearing the matter for some time, it is clear that the petitioners apprehend that it is finally adjudicated that the trust has illegally transferred property to the tenant under the shelter of Tenancy Act. This is not correct. In fact, Mr. Sali, learned Counsel for the respondent, also submits that the authority has itself expressed that there is only a doubt that this property has been illegally transferred, vide para 7 of the impugned order. In this view of the matter, it is not necessary to

entertain this petition which is hereby rejected.

2. All contentions of both the parties would be open in the proposed inquiry under Section 41-B and 41-D of the Bombay Public Trust Act, 1950. The concerned authorities are directed to expedite the enquiry and complete the same after giving fair opportunity of hearing to all concerned, within a period of one year from the receipt of the writ of this order.

3. This petition is, accordingly, disposed of.

Sd/-

(**S. A. BOBDE, J.**)